



08/479920

PATENT

Docket No. 214/226

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification of this application:

Class \_\_\_\_\_ Subclass \_\_\_\_\_

Prior application:

Examiner: P. Killos

Art Unit: 1204

COMMISSIONER OF PATENTS AND TRADEMARKS  
BOX PATENT APPLICATION  
Washington, D.C. 20231

## FILING UNDER 37 CFR 1.60

This is a request for filing for a

☒ continuation ☐ divisional

application under 37 CFR 1.60 of pending prior application Serial No. 08/141,496 filed on October 22, 1993, of Marcus F. Boehm, Richard A. Heyman, Lin Zhi, and Stacie Canan Koch

for COMPOUNDS HAVING SELECTIVE ACTIVITY FOR RETINOID X RECEPTORS, AND MEANS FOR  
MODULATION OF PROCESSES MEDIATED BY RETNOLD X RECEPTORS

## 1. COPY OF PRIOR APPLICATION AS FILED WHICH IS ATTACHED

☒ I hereby verify that the attached papers are a true and complete copy of what is shown in my records to be the above-identified prior application, including the oath or declaration as originally filed. (37 CFR 1.60). The copy of the papers of the prior application as filed which are attached includes:

101 Pages of Specification12 Pages of Claims1 Pages of Abstract12 Sheets of Drawings ☐ formal ☒ informal5 Pages of Declaration and Power of Attorney

☐ In accordance with the indication required by 37 CFR 1.60(b), my records reflect that the original signed declaration showing applicant's signature was filed on \_\_\_\_\_.

☐ The amendment referred to in the declaration filed to complete the prior application, and I hereby state, in accordance with the requirements of 37 CFR 1.60(b), that this amendment did not introduce new matter therein.

## CERTIFICATE OF MAILING (37 C.F.R. 1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

TB632252962US  
Express Mail Mailing No.

June 7, 1995  
Date of Deposit

Audrey Atkinson

Name of Person Mailing Paper

Signature of Person Mailing Paper

2. **AMENDMENTS**

☒ ~~Cancel~~ in this application original Claims 4-9 and 14-32 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☒ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

3. **PETITION FOR SUSPENSION OF PROSECUTION FOR THE TIME TO FILE AN AMENDMENT**

\_\_\_\_\_ There is provided with a PETITION FOR SUSPENSION OF PROSECUTION FOR THE TIME NECESSARY TO FILE AN AMENDMENT (NEW APPLICATION FILED CONCURRENTLY).

4. **FEE CALCULATION**

CLAIMS FOR FEE CALCULATION					
	Number Filed		Number Extra	Rate	Basic Fee \$730.00
Total Claims	19	- 20 =	0	x \$22.00 =	\$ 0.00
Independent Claims	10	- 3 =	7	x \$76.00 =	532.00
Multiple Dependent Claim(s), if any			1	\$240.00 =	240.00

\_\_\_\_\_ The fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 1502.00

5. **SMALL ENTITY STATEMENT(S)**

\_\_\_\_\_ A Verified Statement to establish small entity under 37 CFR 1.9 and 1.27

\_\_\_\_\_ is attached

\_\_\_\_\_ has been filed in the prior application and such status is still proper and desired. [37 CFR 1.28(a)]

Filing Fee Calculation (50% of above) \$ \_\_\_\_\_

6. **DRAWINGS**

\_\_\_\_\_ Transfer the drawings from the prior application to this application and, subject to Item 16 below, abandon said prior application as of the filing date according to this application. A duplicate copy of this request is enclosed for filing in the prior application file. (May only be used if signed by (1) applicant, (2) assignee of record or (3) attorney or agent of record authorized by 37 CFR 1.138 and before payment of issue fee.] NOTE: DO NOT CHECK THIS IF PRIOR CASE IS NOT TO BE ABANDONED.]

\_\_\_\_\_ Transfer the following sheet(s) of drawings from the prior application to this application.

☒ New drawings are enclosed \_\_\_\_\_ formal ☒ informal

7. **PRIORITY - 35 U.S.C. 119**

\_\_\_\_\_ Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ [country] is claimed under 35 U.S.C. 119.

\_\_\_\_\_ The certified copy has been filed in prior U.S. application Serial No. \_\_\_\_\_ on \_\_\_\_\_

\_\_\_\_\_ The certified copy will follow.

8. RELATE BACK - 35 U.S.C. 120

X Amend the Specification by inserting before the first line the sentence:

a, "This is a      divisional X continuation of co-pending application Serial No. 08/141,496 filed on October 22, 1993, which is a continuation-in-part of Serial No. 08/052,051 filed on April 21, 1993, now abandoned, which is a continuation-in-part of Serial No. 08/027,747 filed on March 5, 1993, now abandoned, which is a continuation-in-part of Serial No. 08/003,223 filed on January 11, 1993, now abandoned, which is a continuation-in-part of Serial No. 07/944,783 filed on September 11, 1992, now abandoned, which is a continuation-in-part of Serial No. 07/872,707 filed on April 22, 1992, now abandoned.

9. INVENTORSHIP STATEMENT

X With respect to the prior co-pending U.S. application from which this application claims benefit under 35 U.S.C. 120, the inventor(s) in this application is (are):

X the same

     less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted  
[type name(s) of inventor(s) to be deleted]

     The inventorship for all the claims in this application are

     the same

     not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

10. FEE PAYMENT BEING MADE AT THIS TIME

X Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.]

     Attached

     Filing fee. \$     

     Recording assignment. [\$40.00; 37 CFR 1.21(h)(1)] \$     

     Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached. [\$130.00; 37 CFR 1.47 and 1.17(h)] \$     

     Petition fee to Suspend Prosecution for The Time Necessary to File An Amendment (New Application Filed Concurrently). [\$130.00; 37 CFR 1.103 and 1.17(i)(1)] \$     

     For processing an application with a specification in a non-English language. [\$130.00; 37 CFR 1.52(d) and 1.17(k)] \$     

     Processing and retention fee. [\$130.00; 37 CFR 1.53(d) and 1.21(l)] \$     

Total Fees Enclosed \$     

11. METHOD OF PAYMENT OF FEES

     Attached is a check in the amount of \$     

     Charge Deposit Account No. 12-2475 in the amount of \$     . A duplicate of this transmittal is attached.

12. AUTHORIZATION TO CHARGE ADDITIONAL FEES

— The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **12-2475**:

- 37 CFR 1.16 (filing fees)
- 37 CFR 1.16 (presentation of extra claims)
- 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- 37 CFR 1.17 (application processing fees)
- 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

13. INSTRUCTIONS AS TO OVERPAYMENT

- Credit Deposit Account No. **12-2475**.
- Refund

14. POWER OF ATTORNEY

— The power of attorney in the prior application is to

X The power of attorney in the prior application is to the registered attorneys listed below and members of or associates in the law firm of **LYON & LYON**, First Interstate World Center, 633 West Fifth Street, Suite 4700, Los Angeles, CA 90071-2066, Registration No. **11,611**, whose members are all admitted to the Bar of the State of California:

Roland N. Smoot	Reg. No. 18,718	John M. Benassi	Reg. No. 27,483
Conrad R. Solum, Jr.	Reg. No. 20,467	James H. Shalek	Reg. No. 29,749
James W. Geriak	Reg. No. 20,233	Allen W. Jansen	Reg. No. 29,035
Robert M. Taylor, Jr.	Reg. No. 19,848	Robert W. Dickerson	Reg. No. 29,914
Samuel B. Stone	Reg. No. 19,297	Roy L. Anderson	Reg. No. 30,240
Douglas E. Olson	Reg. No. 22,798	David B. Murphy	Reg. No. 31,125
Robert E. Lyon	Reg. No. 24,171	James C. Brooks	Reg. No. 29,898
Robert C. Weiss	Reg. No. 24,939	Jeffrey M. Olson	Reg. No. 30,790
Richard E. Lyon, Jr.	Reg. No. 26,300	Steven D. Hemminger	Reg. No. 30,755
John D. McConaghy	Reg. No. 26,733	Jerrold B. Reilly	Reg. No. 32,293
William C. Steffin	Reg. No. 26,811	Paul H. Meier	Reg. No. 32,274
Coe A. Bloomberg	Reg. No. 26,605	John A. Rafter	Reg. No. 31,653
J. Donald McCarthy	Reg. No. 25,119	Hope E. Melville	Reg. No. 34,874

- X The power appears in the original papers in the prior application.
- The power does not appear in the original papers, but was filed on \_\_\_\_\_.
- A new power has been executed and is attached.
- X Address all future communications to:

**LYON & LYON**  
First Interstate World Center  
633 West Fifth Street, Suite 4700  
Los Angeles, CA 90071-2066  
(213) 489-1600

Attention: Hope E. Melville, Esq.

15. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION


— A petition, fee and response has been filed to extend the term in the pending prior application until \_\_\_\_\_. A copy of the petition for extension of time in the prior application is attached.

16. **ABANDONMENT OF PRIOR APPLICATION**

— Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item 13 above.

Respectfully submitted,

**LYON & LYON**  
First Interstate World Center  
633 West Fifth Street, Suite 4700  
Los Angeles, CA 90071-2066  
(213) 489-1600

By   
Hope E. Melville  
Reg. No. 34,874

Attorney of Record

Enclosures

**BEST AVAILABLE COPY.**